IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 28TH SEPTEMBER 2006 / 6TH ASWINA 1928

Bail Appl..No. 5804 of 2006

CRIME NO.129/2006 OF ALAKODE POLICE STATION

PETITIONERS/ACCUSED NO.1 TO 5:

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1. GEORGE MATHEW @ EYOCHAN, S/O.MATHEW,
   PULIYANMACKAL HOUSE, VELLAD AMSOM,
   VAYATTUPARAMBU POST, THALIPARAMBA TALUK, KANNUR.

2. MATHEW @ BABU, S/O. THOMAS,
   THUNDIYIL HOUSE, VELLAD AMSOM,VAYATTUPARAMBU POST,
   THALIPARAMBA TALUK, KANNUR.

3. BENNY, S/O. JAMES,
   PINAKKATT HOUSE, VELLAD AMSOM,VAYATTUPARAMBU POST,
   THALIPARAMBA TALUK, KANNUR.

4. PARADIYIL WILSON, S/O.THOMAS,
   ALAKODE AMSOM, RAYAROME, TALIPARAMBA TALUK,KANNUR.

5. ROY, S/O. JOSEPH,
   THUNDIYIL HOUSE, VELLAD AMSOM,VAYATTUPARAMBU POST,
   TALIPARAMBA TALUK, KANNUR.

BY ADV. SRI.PROMY KAPRAKKATT
SRI.K.N.ABHILASH

RESPONDENTS:

THE STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
ALAKODE POLICE STATION. (THROUGH THE
PUBLIC PROSECUTOR OF HONOURABLE KERALA HIGH COURT,
ERNAKULAM).

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5804/2006

DATED THIS THE 28TH DAY OF SEPTEMBER, 2006

O R D E R

The petitioners are accused 1 to 5, in crime No.129/2006 of Alakode Police Station, the offence alleged being under Sections 143, 147, 441 and 447 IPC read with Section 149 IPC and also under Section 25(a) of the Telegraph Act.

2. It is alleged that the petitioners had trespassed into the house of the defacto complainant, disconnected the telephone from the lines and also pelted stones, thereby causing damage to the house of the defacto complainant. On the complaint preferred by the defacto complainant, the police registered the crime.

3. The counsel submits that a road had been formed by the petitioners to the dis-like of the defacto complainant and because of this act, the defacto complainant developed hatred towards the petitioners, which led to the foisting of a false case. It is also

submitted that all the offence are bailable and the punishment prescribed under Section 25(a) of the Telegraph Act is a fine of Rs.1,000/- only.

4. In the above facts situation, I direct the petitioners, accused 1 to 5, to surrender before the Investigating Officer, who is investigating crime No.129/2006 of Alakode Police Station, on 4.10.2006 between 9.30 a.m and 10.00 a.m.

5. The Investigating Officer shall interrogate the petitioners and thereafter, produce them before the Court below at 4.30 p.m, on the same day itself.

6. The learned Magistrate shall allow the petitioners to be on bail, imposing such conditions, as are deemed necessary, including the reporting of the petitioners before the Investigating Officer, if so prayed by the Prosecution.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs